

STATUTORY INSTRUMENTS

2006 No. 397

The Railways (Interoperability) Regulations 2006

PROSPECTIVE

PART 4

Notified Bodies

Requirement on notified bodies to carry out functions

26.—(1) Where a contracting entity, manufacturer or his authorised representative established in the Community, or other interested person so requests in writing, a notified body shall carry out in relation to a structural subsystem or interoperability constituent the procedures and checks (including, where so provided as part of those procedures and checks, surveillance) required to ensure that the contracting entity, manufacturer or his authorised representative established in the Community, or other interested person, as the case may be, duly fulfils the obligations arising from the appropriate verification assessment procedure for a subsystem or the appropriate conformity or suitability for use assessment procedure for an interoperability constituent.

- (2) A notified body shall not be required to comply with a request under paragraph (1) if—
- (a) the request relates to a subsystem or interoperability constituent of a description to which the appointment of that body does not relate;
 - (b) to do so would place that body in breach of a condition of its appointment;
 - (c) the documents submitted to it in relation to carrying out such functions are not in a language acceptable to that body;
 - (d) the person making the request has not submitted with its request the amount of the fee which that body requires to be submitted with the request pursuant to regulation 29; or
 - (e) at the time of the request the notified body reasonably believes that it will be unable to commence the required work in relation to that request within 3 months of receiving it.

(3) In this regulation “interested person” means a person who is or expects to be subject to the duties imposed by regulation 19(3).

Commencement Information

- II** Reg. 26 in force at 2.4.2006, see [reg. 1\(3\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Railways (Interoperability) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2011/3066 reg. 47\(1\)](#)
- reg. 26 coming into force by [S.I. 2006/397 reg. 1\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(9A) inserted by [S.I. 2008/1746 reg. 4\(4\)\(c\)](#)
- reg. 4A4B inserted by [S.I. 2008/1746 reg. 4\(5\)](#)
- reg. 11(7) inserted by [S.I. 2008/1746 reg. 4\(7\)](#)
- reg. 12(3)-(6) inserted by [S.I. 2008/1746 reg. 4\(8\)\(b\)](#)
- reg. 33(1A) inserted by [S.I. 2008/1746 reg. 4\(9\)](#)